

12-27-01

A

JC965 U.S. PTO  
12/19/01

Practitioner's Docket No. 17396/09015

PATENT

Preliminary Classification:  
Proposed Class: 504  
Subclass:

Jc781 U.S. PTO  
10/026301  
12/19/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Maurice R. De Billot; Schalk Van Wyk; T.E.M. Odendaal; Dennis Paul Phillion; Jeffrey

**CERTIFICATION UNDER 37 C.F.R. § § 1.8(a) and 1.10\***  
**(When using Express Mail, the Express Mail label number is mandatory;**  
**Express Mail certification is optional)**

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

37 CFR 1.8a

☐ with sufficient postage as first class mail.

37 CFR 1.10

☒ as "Express Mail Post Office to Addressee" Mailing Label  
No. ET938670248US

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, 703 \_\_\_\_\_

  
Signature

Date: December 19, 2001

Diane Filatov

Type or print name of person certifying

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

S. Coultas; Ernest F. Sanders; Greg A. Penner; Jawed Asrar; Michael K. Stern

For (title): METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

**1. Type of Application**

This transmittal is for an original (nonprovisional) application.

**2. Papers Enclosed**

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

70 Page(s) of Specification (including Title Page)

38 Page(s) of Claims

7 Sheet(s) of Drawing(s)--Informal

B. Other Papers Enclosed

1 Page(s) of abstract

8 Page(s) of Patent Application Data Sheet

**3. Declaration or Oath**

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of all of the above-named inventors.

**4. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**5. Language**

English

**6. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	75	- 20 =	55 x	\$18.00	\$990.00
Independent Claims (37 CFR 1.16(b))	9	- 3 =	6 x	\$84.00	\$504.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00

Filing Fee Calculation

\$2,234.00

**7. Fee Payment Being Made at This Time**

Enclosed

Filing Fee

\$2,234.00

Total Fees Enclosed

\$2,234.00

**8. Method of Payment of Fees**

Check in the amount of \$2,234.00 is attached.

(New Application Transmittal--page 3)

9. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge additional fees of this application to Account No. 50-1196.

10. **Instructions as to Overpayment**

Credit Account No. 50-1196.

11. **Relate Back**

This application claims the benefit of U.S. Provisional Application No.:

APPLICATION NO.

FILING DATE

60/257,502

12/22/2000

Date: 12/19/01

Reg. No.: 35,124

Tel. No.: 864-259-2238

  
Signature of Practitioner

Charles E. Dunlap  
Nelson Mullins Riley & Scarborough  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201

12/19/01

JC965 U.S. PTO

12-27-01

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 2234.00**Complete if Known**

Application Number	Unknown
Filing Date	12/19/2001
First Named Inventor	Maurice R. De Billot et al.
Examiner Name	Unknown
Group Art Unit	
Attorney Docket No.	17396/09015

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1196  
Deposit Account Name: Nelson Mullins Riley...

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$) 740.00**2. EXTRA CLAIM FEES**

Total Claims: 75 - 20\*\* = 55 x 18.00 = 990.00  
Independent Claims: 9 - 3\*\* = 6 x 84.00 = 504.00  
Multiple Dependent:  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$) 1494.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 0.00**SUBMITTED BY**

Name (Print/Type) Charles E. Dunlap

Registration No. 35,124  
(Attorney/Agent)**Complete (if applicable)**

Telephone 864-250-2238

Signature

Date 12/19/2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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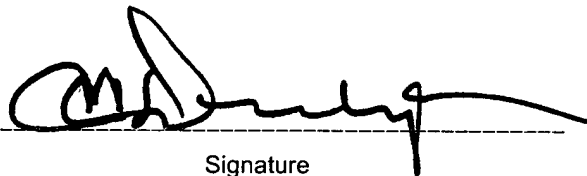
**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	60/257,502
Filing Date	December 22, 2000
First Named Inventor	Maurice De Billot et al.
Title	Method of Improving Yield and Vigor
Atty Docket Number	17396/09015
Group Art Unit	Unknown
Examiner	Unknown

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

12/19/01

Date



Signature

Charles E. Dunlap

Typed or printed name

Reg. No. 35,124

This request must be signed in compliance with 37 CFR 1.33(b).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

1006301:21901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: De Billot, Maurice R.; Van Wyk, Schalk; Odendaal, T.E.M.; Phillion, Dennis Paul;  
Coultas, Jeffrey S.; Sanders, Ernest F.; Penner, Greg A.; Asrar, Jawed; and Stern, Michael K.  
Application No.: Not yet assigned Group No.: Unknown  
Filed: 12/19/2001 Examiner: Unknown  
For: METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

Box Patent Application  
Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

EXPRESS MAIL CERTIFICATE

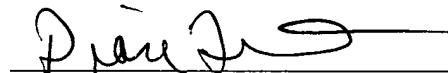
"Express Mail" label number ET938670248US  
Date of Deposit 12/19/2001

I hereby state that the following *attached* papers or fees

1. Fee Transmittal (1 page).
2. Request to Rescind Previous Nonpublication Request (1 page).
3. New Application Transmittal (4 pages).
4. Patent Application Data Sheet (8 pages).
5. Patent Application, Title Page - Abstract (109 pages).
6. Informal Drawings, Figures 1 - 9 (7 pages).
7. Check for \$2,234.00
8. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed Box Patent Application, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202..

Diane Filatov



Signature of person mailing paper or fee